

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

UNITED STATES OF AMERICA

v.

2:07CR219

ANNA CANTU,

Defendant.

REPORT AND RECOMMENDATION  
CONCERNING GUILTY PLEA

Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered a guilty plea to misprison of a felony, in violation of 18 U.S.C. § 4. In a superceding indictment, defendant is also charged with conspiracy (Count 1), marriage fraud (Counts 2 and 3), making a false statement relating to naturalization and citizenship (Count 4), and unlawful procurement of naturalization (Count 5), in violation of 18 U.S.C. § 871; 8 U.S.C. § 1325(c); and 18 U.S.C. §§ 1015(a) and 1425(a). Defendant understands that these charges will be dismissed upon acceptance of her guilty plea, and the United States confirmed defendant's understanding.

On February 28, 2008, defendant appeared before the Court for the purpose of entering her guilty plea. She was represented by appointed counsel, Jon Babineau, Esquire. In the course of the proceeding, defendant acknowledged her understanding of the right to be indicted and expressly consented to proceeding on the criminal information of the United States Attorney.

Defendant was appropriate in appearance, responsive, and competently prepared for the hearing. She answered all questions put to

her in clear and concise language. Defendant is of Russian descent and speaks Russian as her native language. However, she is also fluent in English and acknowledged her understanding of the charge, the maximum punishment, and the serious nature of the proceeding. Defense counsel confirmed defendant's fluency in English, informing the Court that he has dealt directly with defendant during his course of representation. The Court is satisfied that defendant understood all aspects of the proceeding. On those occasions when she had a question, defendant consulted with counsel and then promptly answered. She was courteous and appropriate in her behavior at all times. At the close of the proceeding, defendant was permitted to remain on bond, pending completion of a presentence report.

Defendant is twenty-nine years of age and attended two years of college in Russia. There was no evidence that she was on drugs, alcohol, or medication which might impair her judgment. She was cooperative throughout the proceeding.

Defendant entered her guilty plea pursuant to a plea agreement. The Court is completely satisfied, based upon defendant's responses, that she fully appreciates her position. Furthermore, she acknowledged that the statement of facts prepared in anticipation of her plea accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offense charged is supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends

that the guilty plea be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

/s/  
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James E. Bradberry  
United States Magistrate Judge

Norfolk, Virginia

February 29, 2008